



City Council Chambers
3300 Capitol Avenue
Fremont, California

City Council

Bob Wasserman, Mayor
Bob Wieckowski, Vice Mayor
Anu Natarajan
Bill Harrison
Suzanne Lee Chan

City Staff

Fred Diaz, City Manager
Harvey E. Levine, City Attorney
Melissa Stevenson Dile, Deputy City Manager

Dawn G. Abrahamson, City Clerk
Harriet Commons, Finance Director
Marilyn Crane, Information Technology Svcs. Dir.
Mary Kaye Fisher, Interim Human Resources Dir.
Annabell Holland, Parks & Recreation Dir.
Norm Hughes, City Engineer
Jill Keimach, Community Dev. Director
Bruce Martin, Fire Chief
Jim Pierson, Transportation & Ops Director
Jeff Schwob, Planning Director
Suzanne Shenfil, Human Services Director
Craig Steckler, Chief of Police
Lori Taylor, Economic Development Director
Elisa Tierney, Redevelopment Director

City Council Agenda and Report [Redevelopment Agency of Fremont]

General Order of Business

1. Preliminary
 - Call to Order
 - Salute to the Flag
 - Roll Call
2. Consent Calendar
3. Ceremonial Items
4. Public Communications
5. Scheduled Items
 - Public Hearings
 - Appeals
 - Reports from Commissions, Boards and Committees
6. Report from City Attorney
7. Other Business
8. Council Communications
9. Adjournment

Order of Discussion

Generally, the order of discussion after introduction of an item by the Mayor will include comments and information by staff followed by City Council questions and inquiries. The applicant, or their authorized representative, or interested citizens, may then speak on the item; each speaker may only speak once to each item. At the close of public discussion, the item will be considered by the City Council and action taken. Items on the agenda may be moved from the order listed.

Consent Calendar

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address the City Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.



Addressing the Council

Any person may speak once on any item under discussion by the City Council after receiving recognition by the Mayor. Speaker cards will be available prior to and during the meeting. To address City Council, a card must be submitted to the City Clerk indicating name, address and the number of the item upon which a person wishes to speak. When addressing the City Council, please walk to the lectern located in front of the City Council. State your name. In order to ensure all persons have the opportunity to speak, a time limit will be set by the Mayor for each speaker (see instructions on speaker card). In the interest of time, each speaker may only speak once on each individual agenda item; please limit your comments to new material; do not repeat what a prior speaker has said.

Oral Communications

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Oral Communications section of Public Communications. Please submit your speaker card to the City Clerk prior to the commencement of Oral Communications. **Only those who have submitted cards prior to the beginning of Oral Communications will be permitted to speak.** Please be aware the California Government Code prohibits the City Council from taking any immediate action on an item which does not appear on the agenda, unless the item meets stringent statutory requirements. The Mayor will limit the length of your presentation (see instructions on speaker card) and each speaker may only speak once on each agenda item.

To leave a voice message for all Councilmembers and the Mayor simultaneously, dial 284-4080.

The City Council Agendas may be accessed by computer at the following Worldwide Web Address: www.fremont.gov

Information

Copies of the Agenda and Report are available in the lobbies of the Fremont City Hall, 3300 Capitol Avenue and the Development Services Center, 39550 Liberty Street, on Friday preceding a regularly scheduled City Council meeting. Supplemental documents relating to specific agenda items are available at the Office of the City Clerk.

The regular meetings of the Fremont City Council are broadcast on Cable Television Channel 27 and can be seen via webcast on our website (www.Fremont.gov).

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting the City Clerk at (510) 284-4060. Council meetings are *open captioned* for the deaf in the Council Chambers and *closed captioned* for home viewing.

Availability of Public Records

All disclosable public records relating to an open session item on this agenda that are distributed by the City to all or a majority of the City Council less than 72 hours prior to the meeting will be available for public inspection in specifically labeled binders located in the lobby of Fremont City Hall, 3300 Capitol Avenue during normal business hours, at the time the records are distributed to the City Council.

Information about the City or items scheduled on the Agenda and Report may be referred to:

Address: City Clerk
City of Fremont
3300 Capitol Avenue, Bldg. A
Fremont, California 94538
Telephone: (510) 284-4060

Your interest in the conduct of your City's business is appreciated.

**NOTICE AND AGENDA OF SPECIAL MEETING
CLOSED SESSION
CITY COUNCIL OF THE CITY OF FREMONT**

DATE: **Tuesday, April 6, 2010**

TIME: **6:00 p.m.**

LOCATION: **Fremont Room, 3300 Capitol Avenue, Fremont-**

The City will convene a special meeting. It is anticipated the City will immediately adjourn the meeting to a closed session for possible initiation of litigation against the City in one matter, as follows:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

This Closed Session is authorized by subdivision (C) of Section 54956.9 of the Government Code and will pertain to possible initiation of litigation against the City in one matter.

Claimant: Matthew Fernandes

This Special Meeting is being called by Mayor Wasserman.

AGENDA
FREMONT CITY COUNCIL REGULAR MEETING
APRIL 6, 2010
COUNCIL CHAMBERS, 3300 CAPITOL AVE., BUILDING A
7:00 P.M.

1. PRELIMINARY

- 1.1 Call to Order
- 1.2 Salute the Flag
- 1.3 Roll Call
- 1.4 Announcements by Mayor / City Manager

2. CONSENT CALENDAR

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.

- 2.1 *Motion to Waive Further Reading of Proposed Ordinances
(This permits reading the title only in lieu of reciting the entire text.)*
- 2.2 *Approval of Minutes – for the Regular Meeting of March 23, 2010*
- 2.3 *Second Reading and Adoption of an Ordinance of the City of Fremont Amending the Precise Plan for Planned District P-2004-231 and Amending the Zoning Maps by Renumbering the District as Planned District P-2010-3*

RECOMMENDATION: Adopt ordinance.

- 2.4 **AGREEMENT FOR SALES, USE AND TRANSACTIONS TAX AUDIT AND INFORMATION SERVICES**
Approve Agreement with Hinderliter, de Llamas and Associates (HdL) for Sales, Use and Transactions Tax Audit and Information Services

Contact Person:

<i>Name:</i>	<i>Catherine Chevalier</i>	<i>Harriet Commons</i>
<i>Title:</i>	<i>Budget Manager</i>	<i>Director</i>
<i>Dept.:</i>	<i>Finance</i>	<i>Finance</i>
<i>Phone:</i>	<i>510-494-4615</i>	<i>510-284-4010</i>
<i>E-Mail:</i>	<i>cchevalier@fremont.gov</i>	<i>hcommons@fremont.gov</i>

RECOMMENDATIONS:

1. *Approve the use of the specialty items services provision in the City's Purchasing Ordinance.*
2. *Authorize the City Manager or designee to execute the "Service Agreement for Sales, Use and Transactions Tax Audit and Information Services", effective April 1, 2010.*
3. *Adopt a resolution appointing HdL as the City of Fremont's authorized representative before the California State Board of Equalization.*

3. CEREMONIAL ITEMS

- 3.1 Resolution: Recognizing Volunteers Assisting with the H1N1 Clinics Held in November and December 2009
- 3.2 Resolution: Supporting the Tri-Cities Ducks for Buck\$ Benefit Race
- 3.3 Proclamation: Commemorating the 100th Anniversary of the Boy Scouts of America
- 3.4 Proclamation: Fair Housing Month, April 2010

4. PUBLIC COMMUNICATIONS

- 4.1 Oral and Written Communications

REDEVELOPMENT AGENCY – None.

PUBLIC FINANCING AUTHORITY – None

CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR

5. SCHEDULED ITEMS – None.

6. REPORT FROM CITY ATTORNEY

- 6.1 Report Out from Closed Session of Any Final Action

7. OTHER BUSINESS

7.1 PROPOSED NEW ALAMEDA COUNTY TRANSPORTATION COMMISSION (ACTC) JOINT POWERS AGREEMENT, AND UPDATE ON THE DEVELOPMENT OF THE COUNTYWIDE TRANSPORTATION PLAN, FUNDING STRATEGIES AND OPPORTUNITIES

Comment on the Presentation by Alameda County Congestion Management Agency (CMA) and Alameda County Transportation Improvement Authority (ACTIA) Regarding Proposed New Alameda County Transportation Commission (ACTC) Joint Powers Agreement, and Update on the Development of the Countywide Transportation Plan, Funding Strategies and Opportunities

Contact Person:

Name:	Kunle Odumade	Jim Pierson
Title:	Transportation Engineer	Director
Dept.:	Transportation and Operations	Transportation and Operations
Phone:	510-494-4746	510-494-4722
E-Mail:	kodumade@fremont.gov	jpierson@fremont.gov

RECOMMENDATION: Provide comments to ACTIA and CMA staff on the following three items:

1. The proposed merger of ACTIA and CMA and the associated Joint Powers of Agreement.
2. The CMA's effort to place a Vehicle Registration Fee on the November 2, 2010 ballot.
3. The ACTIA and CMA's effort to develop a new Countywide Transportation Plan and an extension of the existing half-cent transportation sales tax measure.

7.2 DRAFT GENERAL PLAN MOBILITY GOALS AND POLICIES

Presentation of Draft Mobility Goals and Policies for City Council Review and Comment

Contact Person:

Name:	Dan Schoenholz	Jeff Schwob
Title:	Policy and Special Projects Manager	Planning Director
Dept.:	Community Development	Community Development
Phone:	510-494-4438	510-494-4527
E-Mail:	dschoenholz@fremont.gov	jschwob@fremont.gov

RECOMMENDATION: Review and provide input to staff.

8. COUNCIL COMMUNICATIONS

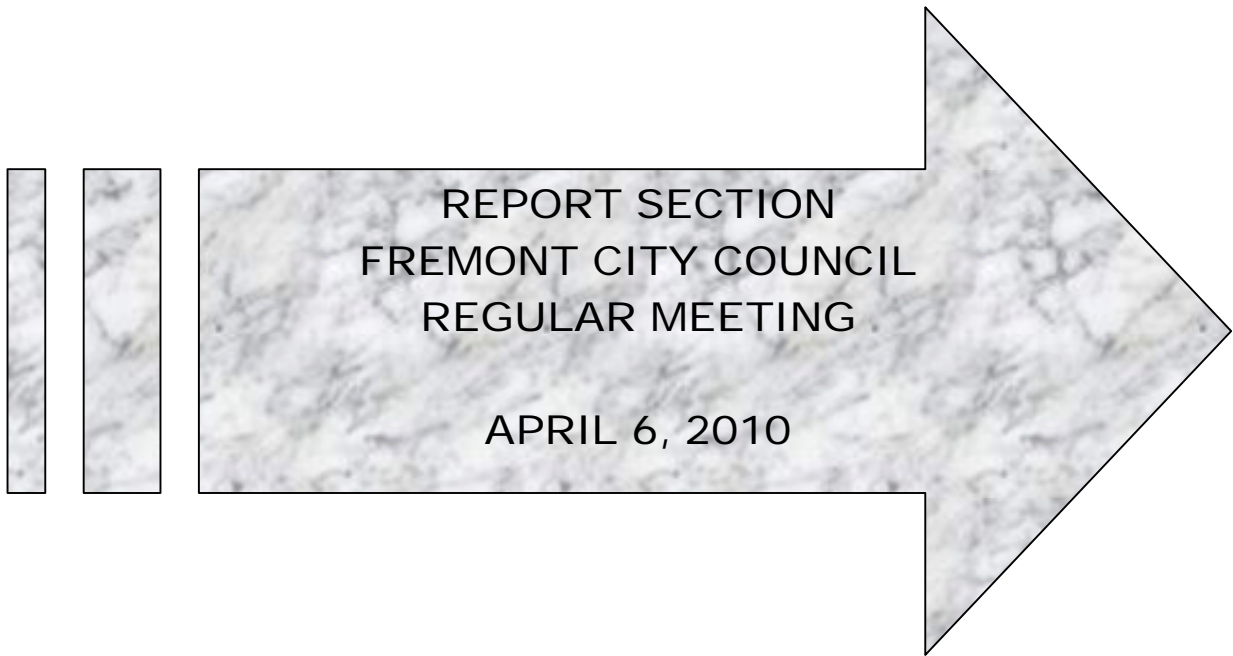
8.1 Council Referrals

8.1.1 MAYOR WASSERMAN REFERRAL: Resolution to Support the Continued Operation of the Niles Post Office at 160 J Street within the City of Fremont

8.1.2 MAYOR WASSERMAN REFERRAL: Appointment of Patricia Lacy to the George W. Patterson House Advisory Board

8.2 Oral Reports on Meetings and Events

9. ADJOURNMENT



**REPORT SECTION
FREMONT CITY COUNCIL
REGULAR MEETING**

APRIL 6, 2010

***2.3 Second Reading and Adoption of an Ordinance of the City of Fremont Amending the Precise Plan for Planned District P-2004-231 and Amending the Zoning Maps by Renumbering the District as Planned District P-2010-3**

ENCLOSURE: [Draft Ordinance](#)

RECOMMENDATION: Adopt ordinance.

***2.4 AGREEMENT FOR SALES, USE AND TRANSACTIONS TAX AUDIT AND INFORMATION SERVICES**

Approve Agreement with Hinderliter, de Llamas and Associates (HdL) for Sales, Use and Transactions Tax Audit and Information Services

Contact Person:

Name:	Catherine Chevalier	Harriet Commons
Title:	Budget Manager	Director
Dept.:	Finance	Finance
Phone:	510-494-4615	510-284-4010
E-Mail:	cchevalier@fremont.gov	hcommons@fremont.gov

Executive Summary: The City Council is asked to approve a “Service Agreement for Sales, Use and Transactions Tax Audit and Information Services” between the City of Fremont and Hinderliter, de Llamas and Associates (HdL). Such services include verification of proper revenue allocations and payments to the City, and appropriate follow-up and recovery efforts when it appears there are errors or under-payments. The databases HdL uses to perform these revenue management functions also generate economic activity reports used by City departments for budgeting, redevelopment planning, and economic development efforts.

As far as staff can determine, these specialty services are provided by only two vendors. Following staff evaluation of each vendor’s qualifications, the City Manager’s Office made the “Specialty Item” determinations required to exempt this specialty service from the formal solicitation requirements, as permitted under the City’s Purchasing Ordinance. However, City Council approval of the City Manager’s determination is required. The Purchasing Ordinance also requires that contracts exceeding \$100,000 be approved by the City Council. Although these services are customarily compensated for primarily on a contingency fee basis (based on a percentage of recovery), based on recent vendor payment history, the total estimated value of the proposed agreement exceeds \$100,000. Finally, the City Council is asked to adopt a resolution authorizing HdL to represent the City of Fremont in administering the provisions of this agreement.

BACKGROUND: Since January 2007, the City has contracted with MuniServices to provide specialized management services for sales and use tax. The services provided include (a) revenue allocation and amount verification (through detailed analysis of California State Board of Equalization (SBOE) reported sales and use tax payments and business tax audits), (b) challenging possible tax allocation errors and underpayments, (c) generating detailed reports and analyses of these major City revenues for use in budgeting, redevelopment and economic development activities, (d) advocating City positions on statewide sales tax issues before the SBOE and making the City aware of the existence of such issues, and (e) other related incidental services.

Prior to the engagement of MuniServices, Hinderliter, de Llamas and Associates (HdL) provided sales and use tax revenue management services to the City from 1989 to 2006. In 2006, the City contracted with MuniServices, as a way to rotate consultants in order to review the different techniques and procedures used by each firm, as well as to cross check the other’s results. The three-year initial term of

the contract with MuniServices ended on December 31, 2009, and continued on a month-to-month basis through March 31, 2010.

DISCUSSION/ANALYSIS: HdL will replace MuniServices as the City's sales tax management service provider if the Agreement is approved by the City Council. One of the reasons for recommending HdL is the benefit of having a company that is very familiar with the City's business base. HdL provides and maintains the City's business tax system, and the firm also provides revenue management services for property taxes, the Clean Water Protection Fee, and the Paramedic Tax. Payments under these other separate contracts amount to about \$55,000 per year.

HdL has been continually updating its review and analytic procedures, and will provide staff with a wide variety of reports that are straight-forward and easy to use. The firm has also enhanced its ability to provide information and analysis very quickly after the close of each quarter. HdL's philosophy is one of ensuring that all of their associates are thoroughly versed on the specifics of each client, which results in greater depth of analysis and the ability to get answers to questions more quickly. By contrast, MuniServices provided the City with one consultant who was the primary point of contact. Although this service model also has its advantages, one of the benefits staff missed was the benefit of having a variety of "eyes" and perspectives reviewing and analyzing the City's data.

Purchasing Process: Both HdL and MuniServices offer the same general battery of services, and both firms use a two-pronged fee approach: 1) a "base" fee for management analysis and information and 2) a contingency fee for allocation audit and recovery. The differences in these fee structures are discussed below:

- 1) *Base fee for information and analysis:* HdL charges \$2,400 per quarter, and MuniServices charges \$2,550 per quarter. MuniServices' quarterly fee started at \$2,500 per quarter in 2007 and then automatically adjusted annually for inflation. The HdL fee has no automatic inflation adjustment and, in fact, is the same as the amount the City was paying in 2006, at the conclusion of the last agreement.
- 2) *Contingency fee for allocation audit and recovery:* Both firms charge a fee equal to a percentage of revenue recovered over several quarters. MuniServices' contingency fee is 25% of the amount recovered for *six* quarters following the quarter in which the taxpayer begins paying the taxes correctly and *all previous* quarters. HdL's contingency fee is 15% of the amount recovered for *eight* quarters following the date of knowledge and *all previous* quarters.

A comparison of fees paid to MuniServices between May 2009 and March 2010, with an estimate of fees that would have been paid to HdL for the same services, suggests that MuniServices' fees are one-third higher than HdL's. Fees paid to MuniServices during this time period were approximately \$65,000. HdL's fees under the proposed fee schedule would have been about \$49,000.

HdL's service quality advantages should continue to improve staff's understanding of Fremont's business base, especially at the individual business level. Detailed information about revenue generated by specific business types or locations, delivered in a more convenient and comprehensive format is

expected to translate into even more effective business recruitment strategies, and potentially more City revenue.

Access to Sales Tax Records: California Revenue and Taxation Code Section 7056 requires Fremont's City Council to grant, by resolution, authority for City-contracted consultants to examine State Board of Equalization confidential Fremont sales and use tax records. In order for HdL to provide sales tax services to the City, the City Council will need to adopt a resolution granting the firm this authority.

Specialty Services: Generally, the City's Purchasing Ordinance (Title 2, Chapter 9 of the Fremont Municipal Code) requires formal solicitation of proposals for service needs costing more than \$100,000. However, Section 2-9701 of the Code exempts "specialty item" services from this requirement if the City Manager makes certain written determinations. These determinations are described in Section 2-9701, subsections (a)(1)-(4). This process provides assurance that the Purchasing Ordinance objectives described in Section 2-9102 are met despite the absence of competitive negotiation. The City Manager has made the required determinations. HdL and MuniServices have been determined to be the only two vendors qualified to satisfactorily perform the needed services following appropriate staff investigation, alternative service provider options were considered and rejected on performance grounds, and objectives of achieving a fair price for City services without the taint of impropriety or conflicts of interest has been satisfied.

FISCAL IMPACT: The amount paid for information and analysis will decrease. The contingency fee for allocation audit and recovery is anticipated to be lower for the same volume of recovery. Given the different analytic resources employed by HdL, it is possible that the amount of sales and use tax could increase, which could result in an increase in the contingency fees paid. The overall impact of making this change in sales tax consultants is anticipated to be favorable to the City's General Fund.

ENVIRONMENTAL REVIEW: None required.

ENCLOSURE: [Draft Resolution](#)

RECOMMENDATIONS:

1. Approve the use of the specialty items services provision in the City's Purchasing Ordinance.
2. Authorize the City Manager or designee to execute the "Service Agreement for Sales, Use and Transactions Tax Audit and Information Services", effective April 1, 2010.
3. Adopt a resolution appointing HdL as the City of Fremont's authorized representative before the California State Board of Equalization.

6.1 Report Out from Closed Session of Any Final Action

7.1 PROPOSED NEW ALAMEDA COUNTY TRANSPORTATION COMMISSION (ACTC) JOINT POWERS AGREEMENT, AND UPDATE ON THE DEVELOPMENT OF THE COUNTYWIDE TRANSPORTATION PLAN, FUNDING STRATEGIES AND OPPORTUNITIES

Comment on the Presentation by Alameda County Congestion Management Agency (CMA) and Alameda County Transportation Improvement Authority (ACTIA) Regarding Proposed New Alameda County Transportation Commission (ACTC) Joint Powers Agreement, and Update on the Development of the Countywide Transportation Plan, Funding Strategies and Opportunities

Contact Person:

Name:	Kunle Odumade	Jim Pierson
Title:	Transportation Engineer	Director
Dept.:	Transportation and Operations	Transportation and Operations
Phone:	510-494-4746	510-494-4722
E-Mail:	kodumade@fremont.gov	jpierson@fremont.gov

Executive Summary: The Alameda County Transportation Improvement Authority (ACTIA) and the Alameda County Congestion Management Agency (CMA) have embarked on a number of new initiatives to more cost effectively plan and deliver transportation programs and increase transportation funding in Alameda County. The first initiative proposes a merger of the two agencies into a new one called the Alameda County Transportation Commission (ACTC). While both organizations have functioned well as separate agencies, the respective Boards believe that the proposed new JPA will provide a more efficient and cost-effective platform over the long term to the residents of Alameda County upon which to plan and deliver transportation programs and capital projects. The second major initiative results from an update to the *Countywide Transportation Plan* currently underway to meet the requirements of AB 32 and SB 375 and review transportation needs in Alameda County. This update, in part, will launch a two step approach to bring more local transportation funding to Alameda County. First is a proposal to place a \$10 Vehicle Registration Fee (VRF) on the November 2, 2010 ballot to be used for local transportation and transit improvements. The second and longer term objective is to extend the existing half-cent sales tax measure to add infrastructure projects and increase funding for essential transit services, streets and roads maintenance, bicycle and pedestrian safety, and services for seniors and disabled. This will be done through a coordinated process during the update of the Countywide Transportation Plan.

Staff from ACTIA and CMA will present these issues to the Council at the April 6 meeting for information and Council questions and input to the process. Specifically, the City Council is asked to provide comments to ACTIA and CMA staff on the proposed merger of ACTIA and CMA, the CMA's effort to place a Vehicle Registration Fee on the November 2, 2010 ballot, and ACTIA and CMA's effort to develop a new Countywide Transportation Plan and an extension of the existing half-cent transportation sales tax measure.

BACKGROUND:

Proposed New Alameda County Transportation Commission (ACTC): In January 2009, the Alameda County Transportation Improvement Authority (ACTIA) and the Alameda County Congestion Management Agency (CMA) initiated a study to identify service sharing and/or consolidation opportunities between the two agencies. The study examined whether mission-critical responsibilities could be delivered in a more streamlined and cost effective manner if the two agencies operated on a more integrated basis. Another project objective was to determine if there was sufficient information to allow policy makers to make a decision about whether to move forward with an implementation analysis and develop a plan for a possible integration and potential consolidation. A final report delivered to both agencies in July 2009 concluded that there were, in fact, attractive opportunities for a range of service sharing and integration efforts. The greatest opportunities for consolidation and efficiency improvement were in the areas of financial services, administrative services and capital project delivery.

In May 2009, the consultant made a presentation to the ACTIA and the CMA Boards of Directors during a joint meeting which described the opportunities for service sharing and potential merger of operations, opportunities for cost efficiencies and estimated annual savings. The presentation pointed out that the ten-year return on investment was very good, with up-front costs being relatively minor considering the long term goals and benefits. The joint meeting also discussed the potential for blending the respective Boards of Directors into one Board. The initial analysis was compelling enough for the Boards to move forward with an implementation analysis and plan. The Merger Implementation Plan was completed in January 2010 and accepted by the joint Boards of Directors at their January meeting.

As a result of the two separate studies, both Boards of Directors, at a joint meeting in January 2010, expressed support for a proposed merger of the two agencies and directed staff to bring back, at a joint meeting in February, the necessary actions to form a new Joint Powers Authority (JPA) which would generally have the powers of a congestion management agency and of ACTIA. The Boards further agreed on a new structure for a combined Board of Directors (see below) and expressed support for the title of Alameda County Transportation Commission (ACTC) as the name of the new proposed JPA.

In February 2010, the joint Boards approved a draft Joint Powers Agreement and directed staff to present it to the Alameda County Board of Supervisors, the City Councils for all 14 cities in the County, and the Boards of AC Transit and BART. ACTIA and CMA staffs are now preparing to seek approval of the new Joint Powers Agreement and the necessary parallel changes to the CMA Joint Powers Agreement. This action will be brought back to the City Council for approval on May 4, 2010. The ACTIA Board will take steps to amend its 2000 Transportation Expenditure Plan, following a 45-day review period, to change the composition of the ACTIA Board so that it is the same as that of the proposed new commission (ACTC). Steps will also be taken to terminate ACTIA and transfer the Agency's assets and liabilities to ACTC. Neither of the latter two steps requires individual action by member agencies. The goal is to achieve all the necessary approvals by July, with the new commission launching in September of this year.

Countywide Transportation Plan: One of the primary responsibilities of the CMA is to develop and periodically update the *Countywide Transportation Plan*, a 25-year planning and policy document that guides transportation decisions and articulates the vision for Alameda County's transportation system. The CMA Board adopted the revised *Countywide Transportation Plan* in June 2009. Through goals,

objectives and strategies, the Plan lays the groundwork for an investment program tailored to the diverse needs of the county's residents, visitors and workers. Through the funding allocation program, the Plan seeks to ensure that transportation investments, aimed at reducing congestion on transportation systems, are efficient and productive and that maintenance and management of the system remains a high priority.

The CMA and ACTIA are currently updating the *Countywide Transportation Plan* to review transportation needs in Alameda County and incorporate the requirements of AB 32 and SB 375, which require MTC, the CMA and local jurisdictions to find ways to provide more programs and projects that integrate transportation and land use and reduce green house gas emissions. This update will be used by ACTIA to develop a proposal for an extension of the existing half-cent transportation sales tax measure and is anticipated to be completed by June 2012, to be used to update the Metropolitan Transportation Commission's (MTC) 2013 Regional Transportation Plan. It will, in part, launch a two-step approach to bring more local transportation funding to Alameda County. First is a proposal to place a \$10 Vehicle Registration Fee (VRF) on the November 2, 2010 ballot, to be used for local transportation and transit improvements. The second and longer term objective is to extend the existing half-cent sales tax measure to add infrastructure projects and increase funding for essential transit services, streets and roads maintenance, bicycle and pedestrian safety, and services for seniors and disabled. Both proposals are described below and are provided as information.

DISCUSSION/ANALYSIS:

Proposed New JPA (Alameda County Transportation Commission) Board Composition: An Ad Hoc Committee of the joint Boards of Directors considered several different scenarios for composition of the new Board, including both membership and allocation of votes. A guiding principle was that all the cities and the County needed to be represented, along with some representation from the transit operators. Votes based on populations, which change over time, following the CMA model were considered. Ultimately the Committee recommended, and the joint Boards of Directors approved, a simple approach that recognizes the interests of the largest (by population) cities and includes both AC Transit and BART. The proposed new JPA Board (and the separate Boards of ACTIA and CMA) would be composed of the following:

- Each member of the Alameda County Board of Supervisors who shall each have one vote;
- Two members representing the City of Oakland, with one member having two votes and the other member having one vote;
- One member representing the City of Fremont and one representing the City of Hayward, each of whom shall have two votes;
- One member from each of the other 11 cities who would each have one vote; and
- One representative of BART and one representative of AC Transit, each of whom shall have one vote.

Only members of the bodies who have paid or allocated fees set by the ACTC Board shall be entitled to be members of the ACTC Board. The City is paying annual fees to the CMA (currently about \$80,000 from gas tax funds). All the 14 cities in Alameda County and the County of Alameda are paying annual fees to CMA. The fees are apportioned based on population. If the relative populations of the cities or the unincorporated areas change significantly in the future, the Joint Powers Agreement could be amended to adjust this voting allocation. ACTIA and CMA would continue in existence and would be

members of the new JPA until such time as state legislation specifically naming those agencies can be amended, but they would not have separate representation on the new Board.

Technical Advisory Committee and the Citizens' Watchdog Committee: The proposed JPA designates the current Alameda County Transportation Advisory Committee (ACTAC) to continue to function as the technical advisory committee to the new ACTC. Additionally, the proposed JPA appoints the current Citizens' Watchdog Committee as described in the Alameda County 2000 Transportation Expenditure Plan, which will continue to have the powers as specified in that Plan regarding the expenditure of ACTIA funds. While not mentioned in the Joint Powers Agreement, the other outside committees of each Agency would continue for the present; however, there may be some consolidation of the existing standing committees of each agency.

Schedule: The Merger Implementation Plan proposed the following major milestones to implement the merger.

MAJOR MERGER ACTION PLAN MILESTONES

Event	Target Date
Approval by Boards to proceed with a merged agency and new JPA	January 28, 2010
JPA structure developed and approved by respective Boards	February 25, 2010
JPA approval by member agencies and Boards of Directors	July 31, 2010
New JPA operations begin	September 1, 2010
Employees transition to new JPA	January-March, 2011
Single accounting system begins	July 1, 2011
Complete integration of operations	January 2012
Consolidation of office space	November 2014

Short Term Funding Opportunity – Vehicle Registration Fee for Transportation: The CMA is proposing to place a Vehicle Registration Fee of \$10, that could be used for local transportation improvements throughout Alameda County, on the November 2, 2010 ballot. The opportunity for a Countywide transportation agency to place this fee before the voters was authorized in 2009 by the passage of Senate Bill 83, authored by Senator Loni Hancock (Oakland). The Vehicle Registration Fee could help counties provide additional local funding for their transportation needs. Alameda County has very significant unfunded transportation needs, and this fee would provide funding to meet some of those needs. The Vehicle Registration Fee would be a key part of an overall strategy to develop a balanced, well thought-out program that improves transportation and transit for our residents and has the potential to generate up to \$10 million per year.

The Vehicle Registration Fee could fund programs that:

- Repair and maintain local streets and roads to make them safer for vehicles, cyclists and pedestrians.
- Make public transportation easier to use and more efficient.
- Make it easier to get to work or school, whether driving or using public transportation, bicycling or walking.
- Result in the reduction of pollution from cars and trucks.

Expenditure Plan: During the spring of 2010, the CMA will develop a Vehicle Registration Fee Expenditure Plan, based on broad public input, that articulates how the funds generated will be used. The draft Expenditure Plan is expected to be available in May 2010, with a final version in June 2010. The Vehicle Registration Fee Expenditure Plan could have the following benefits:

- All of the money raised by the Vehicle Registration Fee would be used exclusively for transportation improvements in Alameda County. None of it can be taken by the State.
- Help fund roadway repairs and maintenance that make roads safer for vehicles, cyclists and pedestrians.
- Provide investments that will help create a smarter, more efficient transportation system.
- Establish a reliable source of funding to help fund critical local transportation programs.

The elements in the Expenditure Plan must have a relationship or benefit to the persons paying the Vehicle Registration Fee.

Outreach and Schedule: As part of the outreach process, CMA will be making presentations to every City Council in Alameda County, the Board of Supervisors and transit agencies, and also will meet with other key agencies and stakeholder groups during March, April and May. In addition, CMA scheduled four workshops in March and April. All meetings, meeting materials and project documents are available on the Alameda County Vehicle Registration Fee website (www.alamedacountyvrf.org).

Public Workshops

San Leandro

Thursday, March 18, 6:30 pm
Bay Fair Center Mall
15555 East 14th Street

Dublin

Thursday, April 8, 6:30 pm
Dublin Library Community Room
200 Civic Plaza

Fremont

Wednesday, March 31, 6:30 pm
Fremont Library
2450 Stevenson Boulevard

Oakland

Thursday, April 15, 6:30 pm
City of Oakland Hearing Room 3
One Frank H Ogawa Plaza

MAJOR VEHICLE REGISTRATION FEE MILESTONES

Event	Target Date
Approval by the Board to proceed Steering Committee Meetings	December 3, 2009 Monthly 2 nd Monday/1 p.m.
Develop Draft Expenditure Plan and Nexus Analysis	May 2010
Final Expenditure Plan approved by Steering Committee and CMA Board	June 2010
Submit Ballot Measure	August 2010

Long-Term Planning and Funding Opportunity – Extension of Transportation Sales Tax: ACTIA and the CMA are working on the development of an update to the countywide transportation plan and an extension of the existing half-cent transportation sales tax measure to offer a fresh set of infrastructure projects and to increase funding for essential transit services, streets and roads maintenance, bicycle and pedestrian safety, and services for seniors and disabled. Most of the projects included in the 2000 voter-approved plan will have gone to construction by 2012. Extending the existing measure would allow for new capital projects to be developed that are identified in the countywide transportation plan update, while an increase would fund additional critical transit operations, street repairs and bicycle and pedestrian safety. A new ballot measure is currently planned for the November 2012 ballot, and would require a 2/3 voter approval. ACTIA and CMA will be seeking participation in the countywide plan and expenditure plan development process with all county jurisdictions, special interest and advocacy groups, business, health, education and enforcement.

The decision to move forward with an integrated planning and funding approach was made through a series of meetings in late 2009. At an October 2009 ACTIA Board meeting and a December 2009 joint ACTIA/CMA board retreat, the Boards directed staff to begin developmental processes for a new Expenditure Plan that could be placed on the ballot in November 2012. Specifically, direction for the development of the Plan included the establishment of a new countywide transportation vision and closely coordinated development of the update to the Countywide Transportation Plan from which an Expenditure Plan would be derived. Development of both plans is scheduled to be completed by June 2012 through a technically based effort that includes significant public involvement.

Why a sales tax reauthorization now? In November 2000, Alameda County voters overwhelmingly approved reauthorization of the County's half-cent transportation sales tax for a 20-year period. The sales tax collection began on April 2, 2002, and will expire on March 31, 2022, unless reauthorized prior to that time.

Due to the significant economic downturn, ACTIA has seen one-third of the projected revenues disappear. This reduction primarily impacts programs; capital projects are anticipated to not be impacted due to accelerated delivery schedules and receipt of federal and state funds through one-time infusions. The current contract bidding climate has resulted in bids coming in significantly under the engineer's estimates.

Original estimates for overall sales tax receipts were for \$3 billion and are now down to \$2 billion. This has occurred at a time when climate change legislation will require efforts to reduce vehicle miles traveled, thereby increasing the role and importance of transit funding. Unfortunately, transit has been dramatically affected by reductions in funding from the State, as well as declines from sales and property taxes. This triple hit has resulted in increased fares and service reductions. In addition, the senior population of Alameda County is expected to rise dramatically, particularly due to the Baby Boomers turning sixty-five – the first of which will do so in 2011. Increases in transportation services will be needed to accommodate the large growth in this sector of the population. Finally, the ramifications of a sedentary American lifestyle have rendered the rise of obesity to be considered an epidemic. How transportation infrastructure and services are implemented can have a dramatic effect on the amount of physical activity people will engage in for their everyday transportation needs. As needs have risen, the funding to address them has declined.

ACTIA project implementation, on the other hand, has seen great successes in early delivery, due to the readiness of the projects when adopted into the ACTIA Expenditure Plan, the diligent efforts of both ACTIA and project sponsor staff at moving the projects forward, and because of significant funding from state bonds and the federal government that helped to close funding gaps in many of the projects. As a result of these efforts, most of the projects will be delivered within the first ten years of the measure, and the remaining funds from the second half of the measure designated for projects will be used to pay off the debt incurred for early project delivery.

Joint development of the countywide transportation plan update and the expenditure plan will offer the County a strategic method to simultaneously develop a planning and funding strategy to meet the County's transportation needs while addressing the regulatory changes established through AB 32 and SB 375. ACTIA and CMA will work with all jurisdictions on the development of these plans and will seek approval of an expenditure plan from all cities and the county prior to placement on the 2012 ballot.

FISCAL IMPACTS: None at this time. Information only.

ENCLOSURES: None

RECOMMENDATION: Provide comments to ACTIA and CMA staff on the following three items:

1. The proposed merger of ACTIA and CMA and the associated Joint Powers of Agreement.
2. The CMA's effort to place a Vehicle Registration Fee on the November 2, 2010 ballot.
3. The ACTIA and CMA's effort to develop a new Countywide Transportation Plan and an extension of the existing half-cent transportation sales tax measure.

7.2 DRAFT GENERAL PLAN MOBILITY GOALS AND POLICIES

Presentation of Draft Mobility Goals and Policies for City Council Review and Comment

Contact Person:

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Executive Summary: Staff is in the process of drafting the updated General Plan, which includes a Mobility Element that lays out goals and policies related to pedestrian, bicycling, transit, and automobile travel, as well as a new Circulation Diagram that shows the City's transportation network. The Mobility Element, like the entire draft General Plan, is intended to fulfill the vision that "Fremont will serve as a national model of how an auto-oriented suburb can evolve into a sustainable, strategically urban, modern City." Staff seeks Council review and comment on the proposed Mobility goals and policies and on the Circulation Diagram.

BACKGROUND: In conjunction with the preparation of the working draft of General Plan 2030, staff presented an overview of the draft General Plan Sustainability Element to Council in January, 2010; the draft "Vision Book" in February, 2010; and the draft Land Use Map, Land Use Designations, and Land Use goals and policies in March, 2010. Discussion of the draft Mobility goals and policies will illustrate how land use and transportation policies are linked in the updated General Plan and how the two elements work together to help achieve the community's vision. The discussion will also cover proposed policies related to parking.

Staff anticipates holding an additional session with Council later this month to discuss the new Community Character Element of the draft General Plan in more detail. Subsequently, staff intends to issue a draft General Plan along with the "Vision Book" in summer, 2010. At that point, the Environmental Impact Report process will begin, and staff will undertake a new round of community outreach to describe what the plan contains and to receive comments.

DISCUSSION/ANALYSIS: The draft Mobility Element has been reorganized to align with the new Plan's emphasis on sustainability and Transit-Oriented Development (TOD). The Element contains introductory narrative, various maps and diagrams, and written goals and policies. It was developed in concert with the Land Use Element to ensure land use and transportation planning are appropriately linked. The Circulation Diagram illustrates the pattern of trails, transit, and roads that the City envisions over the next twenty years.

The goals in the Mobility Element are broken into eight distinct subject areas, and are listed below, along with example of new policies and implementation measures.

- **Goal: Coordinating Land Use and Transportation**
Coordinated transportation and land use planning.

Example policies and implementation measures include reducing vehicle trips and miles traveled through TOD development and ensuring that zoning supports more intensity in areas served by transit.

- **Goal: Complete Streets**

City streets that serve multiple modes of transportation while enhancing Fremont's appearance and character.

Example policies and implementation measures include designing streets to balance the needs of automobiles with the needs of pedestrians, bicyclists, and transit users ("Complete Streets"); and promoting connectivity in the street network.

- **Goal: Alternative Transportation Choices**

An integrated multi-modal network of transportation facilities that allows residents of all physical capabilities to easily travel through and around the city.

Example policies and implementation measures include measures to improve pedestrian and bicycling networks through tools like mid-block crossings and enhanced signage; designing the future Irvington BART station to facilitate intermodal transfers; and planning for bus rapid transit and in the longer term streetcars or light rail on Fremont Boulevard.

- **Goal: Balancing Mobility and Neighborhood Quality**

A transportation system that balances speed and convenience with the desire to have walkable neighborhoods and an enhanced sense of place.

Example policies and implementation measures include prioritizing community character over vehicle speed in areas such as the Town Centers and City Center; considering new ways of calculating "Level of Service" (LOS) traffic standards that take into account people traveling on transit, on bicycles, and on foot; accepting increased traffic congestion in strategic locations where the overriding goal is to accommodate pedestrians, bicyclists, and public transit; and incorporating "traffic calming" measures where practicable on residential streets experiencing cut-through traffic.

- **Goal: Connecting to the Region**

Fremont becomes a more prominent regional transportation hub and is seamlessly connected to locations throughout the Bay Area and state.

Example policies and implementation measures include participating in regional transportation and land use planning, supporting regional commuter bus and passenger rail service, and coordinating with adjacent cities and the region on road and bicycle trail projects.

- **Goal: Transportation Demand Management**

Management of transportation systems and travel demand to reduce peak hour congestion and make the most efficient use of the city's transportation infrastructure.

Example policies and implementation measures include reducing single-occupancy vehicle commuting, encouraging employer-based trip reduction programs, and encouraging car sharing.

- **Goal: Goods Movement**

Safe, efficient movement of goods to support the local economy, with minimal impacts on residential neighborhoods and local traffic patterns.

Example policies and implementation measures include maintaining designated truck routes, maintaining roads in industrial areas to meet the needs of trucks and other commercial vehicles, designing mixed use areas to minimize the impact of truck traffic on residents, and measures to mitigate noise, vibration, and hazardous materials impacts from rail lines.

- **Goal: Parking**

Parking that meets the needs of residents, workers, visitors, and shoppers in a way that is consistent with broader goals related to sustainability and community character.

Example policies and implementation measures include reducing surface parking lot area, developing parking structures, encouraging shared parking, requiring bicycle parking in most new development and establishing parking maximums for developments near BART/ACE while maintaining an adequate supply of parking for those residents who wish to access BART.

FISCAL IMPACT: Preparation and production of the draft Mobility Element is part of the existing General Plan Update project budget.

ENVIRONMENTAL REVIEW: Environmental review is not required at this time. However, the Mobility Element is a critical component for preparation of the draft EIR for the General Plan. For this reason, staff is seeking input and direction on the goals and policies and the Circulation Diagram prior to initiating the EIR.

ENCLOSURE: [Draft Mobility Element Goals, Policies, and Implementation Measures](#)

RECOMMENDATION: Review and provide input to staff.

8.1 Council Referrals

8.1.1 MAYOR WASSERMAN REFERRAL: Resolution to Support the Continued Operation of the Niles Post Office at 160 J Street within the City of Fremont.

As part of a consolidation effort, the United States Postal Service (USPS) is considering closing or scaling down operations at up to 700 locations. One of those locations, the Niles Post Office, is located in Fremont. The Niles Post Office opened in 1873, before Fremont was incorporated as a city. While the City appreciates the fiscal challenges of the USPS, the closure of the Niles Post Office will create a service gap in our community.

The Niles Post Office, in conjunction with retail businesses, provides stability to the Niles business district. The closure of this post office will result in adverse effects for Niles retailers, potentially reducing foot traffic and sales. During these times of dwindling financial resources, the City can ill afford to see more businesses close and a further decline in revenue.

I am seeking City Council support to adopt a resolution supporting the continued operation of the Niles Post Office.

ENCLOSURES:

- [Draft Resolution](#)
- [Letter of Support from Congressman Pete Stark](#)

8.1.2 MAYOR WASSERMAN REFERRAL: Appointment of Patricia Lacy to the George W. Patterson House Advisory Board

Appointment:

<i>Advisory Body</i>	<i>Appointee</i>	<i>Term Expires</i>
George W. Patterson House Advisory Board	Patricia Lacy (Washington Township Historical Society Rep.)	December 31, 2013

ENCLOSURE: [Commission Application](#)

8.2 Oral Reports on Meetings and Events

ACRONYMS

ABAG.....	Association of Bay Area Governments	FUSD	Fremont Unified School District
ACCMA.....	Alameda County Congestion Management Agency	GIS	Geographic Information System
ACE	Altamont Commuter Express	GPA.....	General Plan Amendment
ACFCD	Alameda County Flood Control District	HARB	Historical Architectural Review Board
ACTA	Alameda County Transportation Authority	HBA	Home Builders Association
ACTIA	Alameda County Transportation Improvement Authority	HRC	Human Relations Commission
ACWD	Alameda County Water District	ICMA	International City/County Management Association
BAAQMD	Bay Area Air Quality Management District	JPA	Joint Powers Authority
BART	Bay Area Rapid Transit District	LLMD	Lighting and Landscaping Maintenance District
BCDC	Bay Conservation & Development Commission	LOCC	League of California Cities
BMPs	Best Management Practices	LOS	Level of Service
BMR	Below Market Rate	MOU	Memorandum of Understanding
CALPERS.....	California Public Employees' Retirement System	MTC.....	Metropolitan Transportation Commission
CBD	Central Business District	NEPA	National Environmental Policy Act
CDD.....	Community Development Department	NLC.....	National League of Cities
CC & R's	Covenants, Conditions & Restrictions	NPDES.....	National Pollutant Discharge Elimination System
CDBG	Community Development Block Grant	NPO.....	Neighborhood Preservation Ordinance
CEQA	California Environmental Quality Act	PC.....	Planning Commission
CERT	Community Emergency Response Team	PD	Planned District
CIP	Capital Improvement Program	PUC.....	Public Utilities Commission
CMA	Congestion Management Agency	PVAW	Private Vehicle Accessway
CNG.....	Compressed Natural Gas	PWC.....	Public Works Contract
COF	City of Fremont	RDA	Redevelopment Agency
COPPS	Community Oriented Policing and Public Safety	RFP	Request for Proposals
CSAC.....	California State Association of Counties	RFQ.....	Request for Qualifications
CTC	California Transportation Commission	RHNA	Regional Housing Needs Allocation
dB	Decibel	ROP.....	Regional Occupational Program
DEIR.....	Draft Environmental Impact Report	RRIDRO.....	Residential Rent Increase Dispute Resolution Ordinance
DO	Development Organization	RWQCB	Regional Water Quality Control Board
DU/AC.....	Dwelling Units per Acre	SACNET	Southern Alameda County Narcotics Enforcement Task Force
EBRPD	East Bay Regional Park District	SPAA	Site Plan and Architectural Approval
EDAC	Economic Development Advisory Commission (City)	STIP	State Transportation Improvement Program
EIR.....	Environmental Impact Report (CEQA)	TCRDF.....	Tri-Cities Recycling and Disposal Facility
EIS	Environmental Impact Statement (NEPA)	T&O	Transportation and Operations Department
ERAF.....	Education Revenue Augmentation Fund	TOD	Transit Oriented Development
EVAW	Emergency Vehicle Accessway	TS/MRF	Transfer Station/Materials Recovery Facility
FAR	Floor Area Ratio	UBC	Uniform Building Code
FEMA.....	Federal Emergency Management Agency	USD.....	Union Sanitary District
FFD.....	Fremont Fire Department	VTa	Santa Clara Valley Transportation Authority
FMC.....	Fremont Municipal Code	WMA	Waste Management Authority
FPD.....	Fremont Police Department	ZTA.....	Zoning Text Amendment
FRC.....	Family Resource Center		

**UPCOMING MEETING AND CHANNEL 27
BROADCAST SCHEDULE**

<i>Date</i>	<i>Time</i>	<i>Meeting Type</i>	<i>Location</i>	<i>Cable Channel 27</i>
April 13, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
April 20, 2010	7:00 p.m.	City Council Meeting Work Session to follow	Council Chambers	Live
April 27, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 3, 2010	4:00 p.m.	Joint City Council/FUSD Board Meeting	Council Chambers	Live
May 4, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 11, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 18, 2010	TBD	Work Session	Council Chambers	Live
May 25, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 1, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 8, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 15, 2010	TBD	Work Session	Council Chambers	Live
June 22, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 29, 2010 (5 th Tuesday)	TBD	No City Council Meeting		
July 6, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
July 13, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
July 20, 2010	TBD	Work Session	Council Chambers	Live
July 27, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
		August Recess		